

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: RAGHU, Ganapathiram      Art Unit: 1652  
Re:      Application of:      KIM, Young Ok *et al.*  
         Serial No.:      10/550,758  
         Filed:      September 23, 2005  
  
For:      **PHYTASE PRODUCED FROM CITROBACTER  
         BRAAKII**

**DECLARATION OF DEPOSITOR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

March 25, 2007

SIR:

I, KIM, Young Ok hereby state:

1. That I am a co-inventor of the above-identified patent application.
2. That, on September 26, 2002, I deposited a sample of

***Citrobacter braakii* YH-15**

with the *Korean Culture Center of Microorganisms (KCCM)*, an International Depository Authority, at #361-221, Yurim B/D Hongje-1dong, Seodaemun-gu SEOUL 120-091, Republic of Korea, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number KCCM-10427.

A copy of the accession agreement is annexed hereto as Exhibit A.

3. I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited material referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited material will be maintained for a period of at least five years after the most recent request for the furnishing of a sample of any of the deposited material was received by the KCTC and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent,

whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

\* March 25, 2007  
Date

KIM Young OK  
KIM Young OK

# Exhibit A

Deposit Receipt for KCCM-10427 in U.S. Ser. No. 10/550,758

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

To: Kim Young-Ok  
Biotechnology Research Center, National  
Fisheries Research and Development Institute,  
408-1, Shirang-ri, Gijang-up, Gijang-gun,  
Busan 619-902, Korea

RECEIPT IN THE CASE OF AN ORIGINAL  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR : <i>Citrobacter braakii</i> YH-15	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10427
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Sep. 26, 2002. (date of the original deposit) <sup>1</sup>	
<b>IV. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name : Korean Culture Center of Microorganisms Address : 361-221, Yurim B/D Hongje-1-dong, Seodaemun-gu SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: Oct. 2, 2002

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired : where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the International depositary authority.

Form BP/1

Side page